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Attorneys for Plaintiff,
 HOUTAN PETROLEUM, INC.

**UNITED STATES DISTRICT COURT IN AND FOR
 THE NORTHERN DISTRICT OF CALIFORNIA**

HOUTAN PETROLEUM, INC.

Plaintiff,

vs.

CONOCOPHILLIPS COMPANY, a Texas
 Corporation and DOES 1 through 10,
 Inclusive

Defendants.

) CASE NO. 3:07-CV-05627-SC

) **PLAINTIFF, HOUTAN PETROLEUM,**
) **INC.'S NOTICE OF MOTION AND**
) **MOTION TO DISMISS THE**
) **COUNTERCLAIMS OF**
) **CONOCOPHILLIPS COMPANY**

) Date: February 6, 2008

) Time: 10:00 a.m.

) Courtroom: 1

) Before: Hon. Samuel Conti

) **Accompanying Document:**

) **Memorandum of Points and Authorities**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on February 6, 2008, at 10:00 a.m., or as soon thereafter as the matter may be heard by the above-entitled Court, located at 450 Golden Gate Avenue, San Francisco, California, Plaintiff and Counter-Defendant, Houtan Petroleum, Inc. ("Houtan") will bring on for hearing this motion to dismiss Defendant and Counter-Plaintiff, ConocoPhillips Company's ("ConocoPhillips"), Counterclaims for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). Said motion is made on the grounds that ConocoPhillips' (1) First Counterclaim for Relief for Breach of Contract is preempted by the Petroleum Marketing Practices Act, 15 U.S.C.

1 2801, et seq. (“PMPA”), (2) Second Counterclaim for Relief for Conversion is preempted by the
2 PMPA and (3) Third Counterclaim for Relief for Unjust Enrichment is preempted by the PMPA.

3 This motion is based upon this Notice of Motion and Motion and the Memorandum of Points
4 and Authorities submitted herewith, all orders, pleadings and papers on file in this action, and upon
5 such other matters of which the Court may take judicial notice or which may be presented to the
6 Court at the time of hearing.

7 Respectfully submitted,

8 Dated: January 24, 2008

BLEAU/FOX, A P.L.C.

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10 By: Thomas P. Bleau, Esq.
11 Gennady L. Lebedev, Esq.
12 Attorneys for Plaintiff and
13 Counterclaimant, Houtan
14 Petroleum, Inc.
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